

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JANICE WILSON JONES,

Plaintiff,

v.

16-CV-546  
ORDER

COMMISSIONER of the Social Security  
Administration,

Defendant.

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On July 5, 2016, the plaintiff commenced this action. Docket Item 1. On January 6, 2017, this Court referred this case to United States Magistrate Judge Leslie G. Foschio for all proceedings under 28 U.S.C. § 636(b)(1)(B). Docket Item 12. On January 20, 2017, the plaintiff moved for judgment on the pleadings or, in the alternative, to remand for further proceedings, Docket Item 13; on March 13, 2017, the defendant responded and moved for judgment on the pleadings, Docket Item 16; and on April 3, 2017, the plaintiff replied, Docket Item 17. On May 22, 2018, Judge Foschio issued a Report and Recommendation ("R&R"), finding that the defendant's motion should be granted and that the plaintiff's motion should be denied. Docket Item 18. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ.

P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Foschio's R&R. Based on that review and the absence of any objections, the Court accepts and adopts Judge Foschio's recommendation to grant the defendant's motion and deny the plaintiff's motion.

For the reasons stated above and in the R&R, the plaintiff's motion for judgment on the pleadings or, in the alternative, to remand for further proceedings, Docket Item 13, is DENIED; the defendant's motion for judgment on the pleadings, Docket Item 16, is GRANTED; the complaint, Docket Item 1, is dismissed; and the Clerk of the Court shall close the file.

SO ORDERED.

Dated: August 10, 2018  
Buffalo, New York

**s/Lawrence J. Vilardo**  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE